

a movement to establish among the Ukrainian people, a church independent of the Ruthenian Greek Catholic Church. Among the witnesses were the Director of a Ukrainian Educational Institute and a former officer of the Canadian Army.

On November 26th, His Honor Judge Paterson delivered the following judgment:—

“In the matter of an application to intern one, the Right Reverend Nicetas Budka under Orders-in-Council, dated 28th of October, 1914, and 14th February, 1919.

“The Law Courts, Winnipeg,
November 26th, 1919

“JUDGMENT OF HIS HONOR, JUDGE PATERSON.

“His Honor: I was under the impression the last day of the hearing that I had to make a written report but having looked into the Orders-in-Council, I cannot find it is necessary to do so. If the accused is found guilty and ordered to be interned, he is handed over to the authorities, otherwise there is no procedure requiring me to report, apparently, to anybody, but, I think, as I did not give my decision the other day, I should declare in open Court or indicate, really, what was the result of the investigation.”

“So far as the charges were concerned, it resolved itself simply into the one charge that was pressed and that was that he had not reported as required under the registration of aliens. He did not report, that is quite true, but I think he had a very good reason why he should not have done so, without at all seeming to be trifling with the regulations or wilfully breaking the rules, and that was, as he had registered in the office of Colonel Lindsay, he there received authority, I think it might be called, at least he practically received a release for requiring to report after registering. I think it is quite reasonable that the Bishop Budka accepted, as almost anybody would have accepted, the authority of Colonel Lindsay who was at the head of the board, as being qualified and authorized to grant him such release as, apparently, he was granted. I think it is not unreasonable that Bishop Budka should not have gone any further to determine whether or not Col. Lindsay would have such authority. So that while Bishop Budka did not report as the regulations required, yet he had a very good reason, I think, in not doing so, and he was not wilfully committing any breach of the regulations and I could not order his internment and will have to release him from the charge. As far as the other matters are concerned I do not know how much I should say about them. I am quite satisfied that the counsel for the complainants had put before him at one time some rather serious charges against Bishop Budka and that he was quite conscientious in framing the charges as they were but at the hearing **not a tittle of evidence was produced against the Bishop** to warrant such charges having been made, in fact, the only evidence that was adduced was by the Bishop and some of his own witnesses who instead of charging the Bishop with disloyalty and so on,